
Kristina D. Lawson, J.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ADAM NADELSON, M.D.,

Physician's and Surgeon's Certificate
No. A 131723

Respondent.

Case No. 800-2018-042477

OAH No. 2018090423

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter on December 6, 2018, in Oakland, California.

Deputy Attorney General Joshua M. Templet represented complainant Kimberly Kirchmeyer, Executive Director, Medical Board of California, Department of Consumer Affairs.

Frederick M. Ray, Attorney at Law, Ray & Bishop, represented respondent Adam Nadelson, M.D., who was present throughout the administrative hearing.

The record closed and the matter was submitted for decision on December 6, 2018.

FACTUAL FINDINGS

1. On July 21, 2014, the Medical Board of California (Board) issued Physician's and Surgeon's Certificate No. A 131723 to respondent Adam Nadelson, M.D. The certificate has been current at all times relevant to this proceeding. The certificate will expire on June 30, 2020, unless renewed.

2. On November 3, 2017, the Board issued a public letter of reprimand to respondent. (See Finding 16, post.)

3. On July 23, 2018, Kimberly Kirchmeyer issued an accusation against respondent in her capacity as the Executive Director of the Board. The accusation alleges

that respondent's California certificate is subject to discipline because of respondent's conduct as a physician in Louisiana and action taken by the Louisiana State Board of Medical Examiners (Louisiana Board) against his Louisiana medical license. Respondent filed a notice of defense. This hearing followed.

Louisiana Discipline

4. On March 29, 2018, the Louisiana Board issued a Consent Order for Official Reprimand (Consent Order) regarding respondent's Louisiana medical license. The Consent Order followed an investigation conducted by the Louisiana Board's Investigative Officer (Investigative Officer or I/O). The Consent Order reads in pertinent part:

An investigation was conducted . . . of the appropriateness of supervision of nursing staff and the potential permitting of the unauthorized practice of medicine by Adam Jace Nadelson, M.D. . . . while serving as a physician provider and proprietor of a business operating in New Orleans, Louisiana.

During the course of the investigation, the records of several patients, who had received medical services in the form of administration of intravenous medications in non-clinical settings, were reviewed. The I/O believed these records demonstrated that the services rendered, as documented, may not have been in keeping with the standards of care.

On his own behalf, Dr. Nadelson acknowledges that in retrospect the printed documentation of the patient encounters should have been more clear, and he has demonstrated changes in protocols and documentation which he believes to be within the prevailing standard.

Predicated on the foregoing information, the I/O believed that there was probable cause to initiate formal administrative proceedings against Dr. Nadelson's license to practice medicine in this state pursuant to the Louisiana Medical Practice Act

5. The Consent Order references three causes for license discipline under Louisiana law: (1) medical incompetence or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in Louisiana; (2) knowingly performing an act which assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner; and, (3) violating a rule or regulation of the Louisiana Board or the Louisiana Medical Practice Act. (La. Rev. Stats., § 37:1285A, subds. (14), (18), & (30).)

6. Respondent did not admit to the facts as alleged or to any violation of law, but agreed and acknowledged that the reported information provided probable cause for the Louisiana Board to pursue formal disciplinary proceedings against him, and if proven at hearing, could establish grounds for license discipline.

7. The Consent Order required respondent to pay a \$2,000 fine and complete a course in Medical Ethics and Professionalism.

8. On June 20, 2018, the Louisiana Board notified respondent that it was satisfied he had fully complied with the requirements of the Consent Order and that it had formally closed his case.

Respondent's Background

9. Respondent graduated from medical school in June 2009. He completed an internship and residency in general surgery in 2014. Respondent was chief resident during the last academic year (2013-2014). Respondent completed one year of a three-year fellowship in Plastic and Reconstructive Surgery (2014-2015). After taking two years off, in 2017 respondent completed a one-year fellowship in cosmetic surgery.

10. Respondent is board certified in general surgery. Respondent is board-eligible in cosmetic surgery.

11. In 2013, respondent and his father, who is a physician as well, founded The I.V. Doc, Inc. As described on respondent's curriculum vitae, respondent is:

CEO of telehealth corporation providing outpatient care through telemedicine visits followed by hands-on treatments delivered by registered nurses all utilizing the I.V. Doc® platform. Services are now available in over 20 cities throughout the United States, United Kingdom and European Union.

As further explained at hearing, the practice involves house call intravenous therapy arranged through a website. The patient undergoes a telehealth examination by a physician. Any ordered intravenous therapy is provided by a registered nurse in the home.

12. Respondent has been spending most of his professional time developing The I.V. Doc. He currently wants to focus his attention on developing a private practice in cosmetic surgery in New York. Respondent is married and has two young children.

13. Respondent holds medical licenses in California, New York, Nevada, Illinois and Florida. He is no longer licensed in Louisiana, and no longer operates The I.V. Doc in that state. He does operate The I.V. Doc in California, and intends to continue doing so in order to accommodate New York patients who travel to California.

Respondent's Evidence

14. The Louisiana Consent Order stemmed from the operation of The I.V. Doc in that state. Respondent reports within a few months of opening services in the state the Investigating Officer asked to review four of the total of nine patients associated with The I.V. Doc. Respondent met with the investigator informally but had difficulty understanding the concerns of the investigator. He understood that medical records when printed did not bear time stamps, which was required by Louisiana law. Respondent made changes to correct that. He understood that the investigator's other concerns were satisfied.

15. A complaint was filed with this Board in 2016, alleging that The I.V. Doc did not conduct appropriate examinations prior to treatment and did not maintain proper records. The Board investigated the complaint and closed it.

16. Respondent continues to develop the business processes of The I.V. Doc. There are approximately 700 allied health professionals associated with the organization. After the Louisiana discipline, respondent made changes to the electronic medical record. He hired a Director of Quality Assurance, and risk management advisors, to ensure that there was a quality medical record from both the medical and the nursing side. To his knowledge, no patient has ever been harmed by treatment provided through The I.V. Doc.

Prior Discipline

17. On November 3, 2017, this Board issued a Public Letter of Reprimand to respondent based on discipline imposed on him in Illinois by a June 22, 2017 Consent Order. The Public Letter of Reprimand described the Illinois Consent Order as based on the following conduct by respondent:

The Illinois Department of Financial and Professional Regulation Division of Professional Regulation found that at Rush University Medical Center, you completed and signed your Postgraduate Training Verification using the program director's signature stamp without the program director's direct knowledge or permission.

The Consent Order reprimanded respondent, fined him \$10,000, and required him to complete an ethics and boundaries assessment examination.

18. Respondent admits his misconduct in Illinois and the error of the judgment he exercised in committing it. As he explains it, he was unhappy in the fellowship after the Director who had recruited him left. He did not get on with the Interim Director, did not like the limited surgical focus of the program, and did not get the number of cases he would need for board certification. He decided to leave the program after the first year and needed a signed verification form to apply for other fellowships. Because he did not want to let on to the Interim Director about his plans, he solicited a staff member to use the Interim Director's

signature stamp without seeking permission. He was terminated from the program after being caught, and was reported to the Illinois Board.

19. Respondent completed a 15-hour course in Medical Ethics for Professionals through the University of California, Irvine School of Medicine, in January 2016.

20. Respondent satisfied the requirements of the Illinois Consent Order.

LEGAL CONCLUSIONS

1. The burden of proof in this matter is on the Board and the standard of proof is clear and convincing evidence. (*Ettinger v. Bd. of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.)

2. Pursuant to Business and Professions Code section 2305, the Board is authorized to impose discipline on a licensee who has been disciplined in another state. Business and Professions Code section 2305 provides:

The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

The Board is authorized to impose discipline without a broad inquiry into the underlying facts. (*Marek v. Board of Podiatric Medicine* (1993) 16 Cal.App.4th 1089, 1096-1098.) This is true even where the respondent has not admitted to the truth of the allegations recited in a stipulation to a disciplinary order or consent decree. (*Ibid.*)

The Louisiana Board has taken disciplinary action against respondent's license to practice medicine in Louisiana for grounds that would constitute grounds for discipline in California under the Medical Practice Act.¹ (Findings 4, 5 & 7.) The Louisiana disciplinary action constitutes unprofessional conduct pursuant to Business and Professions Code section 2305, and provides cause to discipline respondent's certificate.

3. Pursuant to Business and Professions Code section 141, subdivision (a), the Board is authorized impose discipline on a licensee who has been subject to disciplinary

¹ Business and Professions Code sections 2000 through 2521.

action by another state for any act substantially related to the practice of medicine. Section 141, subdivision (a), provides:

For any licensee holding a license issued by a board under the jurisdiction of a department, a disciplinary action by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

The disciplinary action taken by the Louisiana Board against respondent's license is for conduct directly related to the practice of medicine. (Findings 4, 5 & 7.) The Louisiana Board's disciplinary action provides cause to discipline respondent's certificate pursuant to Business and Professions Code section 141.

Disciplinary Considerations

4. The purpose of the Medical Practice Act is to assure the high quality of medical practice; in other words, to keep unqualified persons and those guilty of unprofessional conduct out of the medical profession. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 574.) The purpose of physician discipline is to protect the public and to aid in the rehabilitation of licensees. (Bus. & Prof. Code, § 2229.)

5. The factors to be considered in determining whether a licensee has been rehabilitated include the following: the nature and severity of the act or crime involved; subsequent misconduct; the amount of time that has elapsed since the misconduct took place; evidence of rehabilitation; whether the conviction has been expunged; and, whether the licensee has complied with the terms of probation. (Cal. Code Regs., tit. 16, §§ 1360.1, 1360.2.)

Respondent has had a very short medical career without much of a track record. He was disciplined in Louisiana in March 2018 regarding his medical practice. This discipline follows on the heels of discipline imposed in Illinois less than one year earlier in June 2017 for dishonesty committed while in a fellowship. For this conduct this Board issued respondent a Public Letter of Reprimand in November 2017. Respondent did not present any character evidence other than his own testimony. Respondent did not present any letters of reference or testimony from other physicians. To his credit, respondent appears to accept responsibility for his actions in Illinois, and with respect to Louisiana he has acknowledged and addressed the shortcomings of the electronic medical records that were being created by The I.V. Doc at that time. On the other hand, he does not acknowledge the other shortcomings in his Louisiana practice which were referenced in the Consent Order.

6. The Board has adopted guidelines to assist in the evaluation of physician discipline. (Manual of Model Disciplinary Orders and Disciplinary Guidelines (12th Ed. 2016).) The guidelines state that, in out-of-state discipline cases, the minimum level of discipline should be the same as that for a similar violation in California; the maximum is revocation. The minimum discipline for a similar violation in California is revocation, stayed during a five-year probationary period, with conditions recommended by the guidelines.

Complainant does not seek revocation, but argues for imposition of the minimum discipline of a five-year probationary period. Respondent suggests that probation is not necessary for public protection, and requests that a public letter of reprimand be issued pursuant to Business and Professions Code section 2227, subdivision (a)(4). All things considered, it is concluded that deviating from the guidelines would not be appropriate in this case. Public protection requires a period of probation and of monitoring. In addition to standard terms and conditions, respondent shall be required to complete an educational course directed at supervising medical staff, a course on medical record keeping, and be subject to a practice monitor.

ORDER

Physician's and Surgeon's Certificate No. A 131723 issued to respondent Adam Nadelson, M.D. is revoked. However, revocation is stayed and respondent is placed on probation for five years upon the following terms and conditions:

1. Education Course

Within 60 calendar days of the effective date of this Decision, and on an annual basis thereafter, respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 40 hours per year, for each year of probation. The educational program(s) or course(s) shall be aimed at correcting any areas of deficient practice or knowledge and shall be Category I certified. The educational program(s) or course(s) shall be at respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test respondent's knowledge of the course. Respondent shall provide proof of attendance for 65 hours of CME of which 40 hours were in satisfaction of this condition.

2. Medical Record Keeping Course

Within 60 calendar days of the effective date of this Decision, respondent shall enroll in a course in medical record keeping equivalent to the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education

Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A medical record keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

3. Monitoring - Practice

Within 30 calendar days of the effective date of this Decision, respondent shall submit to the board or its designee for prior approval as a practice monitor, the name and qualifications of one or more licensed physicians and surgeons whose licenses are valid and in good standing, and who are preferably American Board of Medical Specialties (ABMS) certified. A monitor shall have no prior or current business or personal relationship with respondent, or other relationship that could reasonably be expected to compromise the ability of the monitor to render fair and unbiased reports to the Board, including but not limited to any form of bartering, shall be in respondent's field of practice, and must agree to serve as respondent's monitor. Respondent shall pay all monitoring costs.

The Board or its designee shall provide the approved monitor with copies of the Decision and Accusation, and a proposed monitoring plan. Within 15 calendar days of receipt of the Decision, Accusation, and proposed monitoring plan, the monitor shall submit a signed statement that the monitor has read the Decision and Accusation, fully understands the role of a monitor, and agrees or disagrees with the proposed monitoring plan. If the monitor disagrees with the proposed monitoring plan, the monitor shall submit a revised monitoring plan with a signed statement for approval by the Board or its designee.

Within 60 calendar days of the effective date of this Decision, and continuing throughout probation, respondent's practice shall be monitored by the approved monitor. Respondent shall make all records available for immediate inspection and copying on the premises by the monitor at all times during business hours and shall retain the records for the entire term of probation.

If respondent fails to obtain approval of a monitor within 60 calendar days of the effective date of this Decision, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall cease the practice of medicine until a monitor is approved to provide monitoring responsibility.

The monitor(s) shall submit a quarterly written report to the Board or its designee which includes an evaluation of respondent's performance, indicating whether respondent's practices are within the standards of practice of medicine and whether respondent is practicing medicine safely. It shall be the sole responsibility of respondent to ensure that the monitor submits the quarterly written reports to the Board or its designee within 10 calendar days after the end of the preceding quarter.

If the monitor resigns or is no longer available, respondent shall, within five calendar days of such resignation or unavailability, submit to the Board or its designee, for prior approval, the name and qualifications of a replacement monitor who will be assuming that responsibility within 15 calendar days. If respondent fails to obtain approval of a replacement monitor within 60 calendar days of the resignation or unavailability of the monitor, respondent shall receive a notification from the Board or its designee to cease the practice of medicine within three calendar days after being so notified. Respondent shall cease the practice of medicine until a replacement monitor is approved and assumes monitoring responsibility.

In lieu of a monitor, respondent may participate in a professional enhancement program equivalent to the one offered by the Physician Assessment and Clinical Education Program at the University of California, San Diego School of Medicine, that includes, at minimum, quarterly chart review, semi-annual practice assessment, and semi-annual review of professional growth and education. Respondent shall participate in the professional enhancement program at respondent's expense during the term of probation.

4. Notification

Within seven (7) days of the effective date of this Decision, respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent, at any other facility where respondent engages in the practice of medicine, including all physician and locum tenens registries or

other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

5. Supervision of Physician Assistants

During probation, respondent is prohibited from supervising physician assistants.

6. Obey All Laws

Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

7. Quarterly Declarations

Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than 10 calendar days after the end of the preceding quarter.

8. General Probation Requirements

Compliance with Probation Unit:

Respondent shall comply with the Board's probation unit and all terms and conditions of this Decision.

Address Changes:

Respondent shall, at all times, keep the Board informed of respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice:

Respondent shall not engage in the practice of medicine in respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

License Renewal:

Respondent shall maintain a current and renewed California physician's and surgeon's license.

Travel or Residence Outside California:

Respondent shall immediately inform the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) calendar days.

In the event respondent should leave the State of California to reside or to practice respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of departure and return.

9. Interview with the Board or its Designee

Respondent shall be available in person upon request for interviews either at respondent's place of business or at the probation unit office, with or without prior notice throughout the term of probation.

10. Non-practice While on Probation

Respondent shall notify the Board or its designee in writing within 15 calendar days of any periods of non-practice lasting more than 30 calendar days and within 15 calendar days of respondent's return to practice. Non-practice is defined as any period of time respondent is not practicing medicine in California as defined in Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All time spent in an intensive training program which has been approved by the Board or its designee shall not be considered non-practice. Practicing medicine in another state of the United States or Federal jurisdiction while on probation with the medical licensing authority of that state or jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall not be considered as a period of non-practice.

In the event respondent's period of non-practice while on probation exceeds 18 calendar months, respondent shall successfully complete a clinical training program that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of medicine.

Respondent's period of non-practice while on probation shall not exceed two years.

Periods of non-practice will not apply to the reduction of the probationary term.

Periods of non-practice will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; and General Probation Requirements.

11. Completion of Probation

Respondent shall comply with all financial obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

12. Violation of Probation

Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

13. License Surrender

Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request to surrender his or her license. The Board reserves the right to evaluate respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Board or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

14. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

DATED: January 7, 2019

DocuSigned by:

Melissa G. Crowell

ACFB74A338CF4C0...

MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings

1 XAVIER BECERRA
Attorney General of California
2 MARY CAIN-SIMON
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3533
6 Facsimile: (415) 703-5480
E-mail: Joshua.Templet@doj.ca.gov
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO July 23 20 18
BY MVA ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2018-042477

13 **Adam Nadelson, M.D.**
14 **53 W. 36th Street, Suite 204**
15 **New York, NY 10018-7903**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 131723,**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about July 21, 2014, the Medical Board issued Physician's and Surgeon's
24 Certificate Number A 131723 to Adam Nadelson, M.D. (Respondent). The certificate was in full
25 force and effect at all times relevant to the charges brought herein and will expire on June 30,
26 2020, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2004 of the Code provides that the Board shall have the responsibility for the enforcement of the disciplinary and criminal provisions of the Medical Practice Act.

5. Section 2227 of the Code authorizes the Board to take action against a licensee who has been found guilty under the Medical Practice Act by revoking his or her license, suspending the license for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action as the Board deems proper.

6. Section 2234 of the Code states as follows:

The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

7. Section 2052 of the Code states as follows:

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in

accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

8. Section 141 of the Code states as follows:

(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country.

9. Section 2305 of the Code states as follows:

The revocation, suspension, or other discipline, restriction, or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter, shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state.

LOUISIANA STATUTE IN UNDERLYING OUT-OF-STATE DISCIPLINARY MATTER

10. Title 37, section 1285 of the Louisiana Revised Statutes (part of the Louisiana Medical Practice Act), states as follows:

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:

...

(14) Medical incompetency, including but not limited to, incompetency manifested by continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state.

...

(18) Knowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner.

...

(30) Violation of any rules and regulations of the board, or any provisions of this Part.

...

CAUSE FOR DISCIPLINE

(Discipline, Restriction, or Limitation Imposed by another State)

11. The Louisiana State Board of Medical Examiners (Louisiana Board) investigated Respondent's practice of medicine. During its investigation, the Louisiana Board reviewed "the records of several of Respondent's patients who had received medical services in the form of administration of intravenous medications in non-clinical settings." (Consent Order for Reprimand by Louisiana Board, attached as Exhibit A.) Based on the investigation, the Investigative Officer of the Louisiana Board "believed that there was probable cause to initiate formal administrative proceedings against [Respondent]'s license to practice medicine in [Louisiana]," for violations of the Louisiana Medical Practice Act, including subdivisions (14) [incompetence and failure to satisfy standards of medical practice], (18) [aiding and abetting the unlicensed practice of medicine], and (30) [violation of rules and regulations of Louisiana Medical Board or Louisiana Medical Practice Act] of title 37, section 1285(A) of the Louisiana Revised Statutes. (Exhibit A.)

12. On March 12, 2018, the Louisiana Board and Respondent entered into a Consent Order for Reprimand, which concluded that "the public interest would be properly protected and served by allowing [Respondent] to maintain his license subject to appropriate specified terms, conditions, and restrictions." (Exhibit A, p. 2.) The Consent Order for Reprimand imposed restrictions, limitations, and disciplinary action on Respondent's practice of medicine in Louisiana, including, *inter alia*, requiring Respondent to complete a course in medical ethics and professionalism and to pay a \$2,000 fine.

13. Respondent's conduct and the action of the Louisiana Board as set forth above are substantially related to the practice of medicine and constitute unprofessional conduct within the meaning of Code section 2305 and conduct subject to discipline within the meaning of Code section 141(a).

DISCIPLINARY HISTORY

14. On November 3, 2017 the Board publicly reprimanded Respondent's Physician's and Surgeon's Certificate in Case No. 800-2017-035450, based on the following conduct by and discipline of Respondent:

On June 22, 2017, the Illinois Department of Financial and Professional Regulation Division of Professional Regulation issued a Consent Order whereby [Respondent was] reprimanded, fined \$10,000 and required to complete an ethics and boundaries assessment examination. The Illinois Department of Financial and Professional Regulation Division of Professional Regulation found that at Rush University Medical Center, [Respondent] completed and signed [his] Postgraduate Training verification using the program director's signature stamp without the program director's direct knowledge or permission.

15. The Board found Respondent's actions to constitute a violation of Code sections 141(a), 2234, and 2305, and issued him a Letter of Reprimand under Code section 2233.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 131723,
issued to Respondent;

2. Revoking, suspending, or denying approval of Respondent's authority to supervise physician assistants and advanced practice nurses;

///

///

///

///

///

///

1 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation
2 monitoring; and

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: July 23, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

6
7
8
9
10 SF2018200533
21158315.doc
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

In The Matter of:

ADAM JACE NADELSON, M.D.
(Certificate No. 300477),

Respondent

No. 16-I-520

**CONSENT ORDER
FOR REPRIMAND**

An investigation was conducted by the Louisiana State Board of Medical Examiners (the "Board"), through its Investigative Officer ("I/O"), of the appropriateness of supervision of nursing staff and the potential permitting of the unauthorized practice of medicine by Adam Jace Nadelson, M.D. ("Dr. Nadelson"), while serving as a physician provider and proprietor of a business operating in New Orleans, Louisiana.

During the course of the investigation, the records of several patients, who had received medical services in the form of administration of intravenous medications in non-clinical settings, were reviewed. The I/O believed these records demonstrated that the services rendered, as documented, may not have been in keeping with the standards of care.

On his own behalf, Dr. Nadelson acknowledges that in retrospect the printed documentation of the patient encounters should have been more clear, and he has demonstrated changes in protocols and documentation, which he believes to be within the prevailing standard.

Predicated upon the foregoing information, the I/O believed that there was probable cause to initiate formal administrative proceedings against Dr. Nadelson's license to practice medicine in this state, pursuant to the Louisiana Medical Practice Act (the "Act"), La. Rev. Stat. §37:1285A (14), (18) and (30).¹

¹ The Board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued under this Part for the following causes: (14) medical incompetence "...or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state; (18) Knowingly performing any act which, in any way, assists an unlicensed person to practice medicine, or having professional connection with or lending one's name to an illegal practitioner; (30) violation of any rules and regulations of the board, or any provisions of this Part.

As evidenced by his subscription to this Order, Dr. Nadelson acknowledges the foregoing information, without agreeing to the facts as alleged against him, without admitting the violation of any federal or state law or regulation, and for the purposes of this Consent Order only, and that such acknowledgement and the reported information could provide the I/O with probable cause to pursue formal administrative proceedings against him for violation of the Act, La. Rev. Stat. §§37:1285A(14), (18) and (30), respectively and, further, that proof of such information upon administrative evidentiary hearing could establish grounds under the Act for the suspension, revocation or imposition of such other terms, conditions or restrictions on his license to practice medicine in the state of Louisiana as the Board might deem appropriate.

Recognizing his right to have administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. Rev. Stat. §§49:955-965, Dr. Nadelson, nonetheless, hereby waives his right to notice of charges, formal adjudication and written decision and pursuant to La. Rev. Stat. §49:955(D) consents to entry of the Order set forth hereinafter. Moreover, by his subscription hereto, Dr. Nadelson also waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§49:951, *et seq.* or which otherwise may be afforded to him by law to contest his agreement to or the force and effect of this document in any court or other forum or body relating to the matters referred to herein. By his subscription hereto, Dr. Nadelson also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation and he waives any objection to such disclosures under La. Rev. Stat. §49:960. Furthermore, Dr. Nadelson expressly acknowledges that the disclosure of information to the Board by the I/O shall be without prejudice to the I/O's authority to pursue Administrative Complaints against him or to the Board's capacity to adjudicate such Complaints should the Board decline to approve this Consent Order.

Based upon the information provided, the Board has concluded that the public interest would be properly protected and served by allowing Dr. Nadelson to maintain his license subject to appropriate specified terms, conditions and restrictions. In consideration of this finding, accordingly, and on the recommendation of the Investigating Officer, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state, pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter by consent. Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

IT IS ORDERED that Adam Jace Nadelson, M.D. is hereby **OFFICIALLY REPRIMANDED** for his conduct.

IT IS FURTHER ORDERED that Dr. Nadelson shall, within one hundred and twenty (120) days of the date of this Order, pay to the Board a fine in the amount of Two Thousand and No/100 (\$2,000.00) Dollars.

IT IS FURTHER ORDERED that within one hundred and eighty (180) days of the date of this Order Dr. Nadelson shall provide written confirmation to the Board that he has successfully completed a course that is approved in advance by the Board or its designee in medical ethics and professionalism.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms, conditions or restrictions set forth by this Order by Dr. Nadelson shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for such other action against Dr. Nadelson's license to practice medicine in the state of Louisiana as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed in New Orleans, Louisiana, and effective on this 12th day of March, 2018.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By: [Signature]
Christy L. Valentine, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

CERTIFIED TRUE COPY
[Signature]
Docket Clerk
Louisiana State Board of Medical Examiners
Date 4/3/18

ACKNOWLEDGMENT
AND CONSENT

STATE OF NEW YORK

COUNTY OF New York

I, ADAM JACE NADELSON, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 26th day of February, 2018.

[Signature]
ADAM JACE NADELSON, M.D.

WITNESSES:

[Signature]
Signature

Rachelle Mendez
Printed Name

53 West 36th St
Address

NY, NY 10018
City, State, Zip Code

[Signature]
Signature

Melissa Acevedo
Printed Name

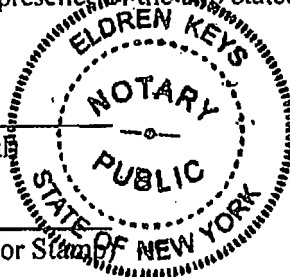
365 E 65th Street
Address

NY, NY 10065
City, State, Zip Code

Sworn to and subscribed before me at New York, New York, this 26th day of February, 2018, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature & Seal)

Eldren W Keys
Printed Name/Notary Number (or Stamp)



ELDREN W KEYS
NOTARY PUBLIC-STATE OF NEW YORK
No. 01KE6362995
Qualified in New York County
My Commission Expires 08-14-2021